

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WEE CARE NANNY AGENCY, LLC,

Plaintiff,

-against-

WEECARE, Inc.,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/4/2023

23 Civ. 2117 (AT)

ORDER

The Court has reviewed the parties' joint letter dated May 2, 2023, regarding outstanding disputes about Defendant's compliance with the Court's preliminary injunction. ECF No. 60. The Court shall address each of the outstanding disputes in turn.

1. The Court finds that in-home daycares do not fall within the scope of the injunction.
2. The Court finds that Defendant's corporate clients and sponsors are in "active concert" with Defendant insofar as they advertise Defendant's services. The injunction requires Defendant to contact its clients and sponsors that are currently advertising Defendant's placement of nannies, babysitters, and educators in the home using the WeeCare mark.
3. Defendant is not obligated to provide written confirmation of compliance with the injunction. Defendant is presumed to be in compliance, according to the details set forth in the parties' May 2, 2023 letter. The Court shall address any issue of noncompliance if and when it is brought to the Court's attention.
4. Defendant is not obligated to request that search engines recrawl its website. Search engines are not in "active concert" with Defendant and are not subject to the injunction.

SO ORDERED.

Dated: May 4, 2023
New York, New York



ANALISA TORRES
United States District Judge